IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.1527 OF 2003
IN
SUIT NO.4712 OF 1997

Mrs. Halimabi Abdul G. Multani ...Plaintiff
Vs.
Mrs. Hajani Aminabai A. Karim & Ors. ...Defendants

None for Plaintiff
Defendant No.1 and his Advocate absent
Mr. Anil Singh for for Defendant No.2

CORAM: SMT.R.S.DALVI,J.
DATED: 5TH AUGUST, 2005

P.C.

1. The suit is filed for specific performance of the agreement dated 25th July 1997 Exhibit-A to the plaint. The Plaintiff further claims an injunction restraining creation of third party rights. The suit was filed initially only against Defendant No.1. with whom the Plaintiff entered into the said agreement. Defendant No.2 has been added as party Defendant since the suit property came to be transferred. Defendant No.2 has been brought on record by an amendment carried out on 6th August, 1998.

2. This Notice of Motion has been taken out in May 2003. The Plaintiff claims the relief against the creation of third party rights against Defendant No.2 in this Notice Motion. The discretionary relief of injunction in a suit for specific performance cannot

be granted to a party who has taken out such application after gross delay. Notice of Motion is dismissed. No order as to costs.

(SMT.R.S.DALVI,J.)